

By: Ellis

S.B. No. 2362

A BILL TO BE ENTITLED

AN ACT

relating to an award of attorney's fees to a prevailing property owner in a property tax dispute resolved by binding arbitration.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (b), Section 41A.09, Tax Code, is amended by adding new subsection (6) to read as follows:

(b) An award under this section:

(1) must include a determination of the appraised market value, as applicable, of the property that is the subject of the appeal;

(2) may include any remedy or relief a court may order under Chapter 42 in an appeal relating to the appraised or market value of property;

(3) shall specify the arbitrator's fee, which may not exceed the amount provided by Section 41A.06(b)(3);

(4) is final and may not be appealed except as permitted under Section 171.088, Civil Practice and Remedies Code, for an award subject to that section; ~~and~~

(5) may be enforced in the manner provided by Subchapter D, Chapter 171, Civil Practice and Remedies Code; and

(6) must include an award of attorney's fees if the property owner prevails in an arbitration under this chapter. Attorney's fees may only be awarded to a property owner represented by an attorney in an arbitration under this chapter. The attorney's

1 fees award shall be calculated as provided in Section 42.29, Tax
2 Code.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2009.